

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
May 6, 2008
6:30 PM**

1. Call to Order

2. Invocation

3. Roll Call

4. Pledge of Allegiance to the Flag

5. Consideration of Consent Agenda

- A. Approval of the regular meeting minutes of April 15, 2008
- B. Acceptance of minutes of a Planning Commission meeting held April 10 , 2008
- C. Approval of and authorization to execute Budget Amendment No. 7 for Fiscal Year 2007-2008
- D. Approval of option to distribute proceeds to qualified participants from a settlement fund established between the Massachusetts Financial Services Company and the Securities and Exchange Commission
- E. Approval of and authorization to execute Architect/Engineer Contract No. ST0812 with Carter & Burgess, Inc., for traffic study and street improvements evaluation
- F. Approval of and authorization for the City's Trustee to execute an amendment to the Metropolitan Environmental Trust Charter, adding the city of Coweta as a member
- G. Approval of and authorization to execute the Amendment to Access Agreement between the City of Broken Arrow and Northeastern State University (NSU)
- H. Ratification of amendments made to the Pipeline Crossing Agreement with Union Pacific Railroad Company
- I. Approval of request for partial vacation of plat for Aspen Park Village and authorization to execute 'Partial Vacation of the Plat and Partial Termination of Deed of Dedication and Restrictive Covenants of Aspen Park Village'
- J. Approval of BACP 93, White Church Crossing, 75.00 acres, A-1, Levels 2, 3, and 4 to Levels 1 and 4, southwest corner of Tucson Street (121st Street) and Olive Avenue (129th East Avenue)
- K. Approval of PUD 188 and BAZ 1799, Old Town Villas, 0.64 acres, R-3 to DF, southeast corner of Date Avenue and Elgin Street, at 411 West Elgin Street
- L. Approval of bids received and award of the most advantageous bid to Action Target, Inc., for a targeting system for the Police Firing Range
- M. Approval of bids received and award the most advantageous bid to Cruisers Division Southwest, for police car emergency lighting equipment
- N. Approval of bids received and award of the most advantageous bid to Wright Line, LLC for three (3) dispatch consoles

- O. Approval of quotes received and award of the most advantageous quote to Midstate Traffic, for installation of five signal piers
- P. Acceptance of a Temporary Construction Easement from Terry R. and Virginia Carol Griffin, husband and wife (S8 T18N R14E) (Project #ST0524)
- Q. Acceptance of two Drainage Easements from the City of Broken Arrow (S36 T19N R14E) (Project #ST0529)
- R. Acceptance a Sewer Line Easement from Spring Land, LLC (S4 T17N R14E) [Project: Spring Creek Offsite sewer]
- S. Acceptance an Utility Easement from Gary and Jonye Lamont (S23 T18N R14E) (Project: BAZ- 1779)
- T. Acceptance of a Deed of Dedication from the City of Broken Arrow (S36 T19N R14E) (Project #ST0529)
- U. Approval of and authorization to execute three (3) General Warranty Deeds From The City Of Broken Arrow to Charles Sanders Homes, Inc. for property located in the Aspen Pond Development east of Aspen Avenue (145th East Avenue) and south of Washington Street (91st Street)
- V. Acceptance of a General Warranty Deed from Terry R. and Virginia Carol Griffin (S8 T18N R14E) (Project ST0524) (N&S Olive Widening Houston to Kenosha)
- W. Acceptance of six (6) General Warranty Deeds from Charles Sanders Homes, Inc. for property located in the Aspen Pond Development east of Aspen Avenue (145th East Avenue) and south of Washington Street (91st Street)
- X. Acceptance of a General Warranty Deed from Bob C. Hansen Revocable Trust (S9 T18N R14E) (Project #ST0524)
- Y. Acceptance of a General Warranty Deed from Joe Byron and Tammy K. Trotter (S18 T18N R15E) (Project # 9814A)
- Z. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. Presentation: Consideration and possible authorization for the Mayor to execute and present a proclamation declaring - May 17, 2008 as "American Diabetes Association's Tour de Cure Day", in Broken Arrow
- B. Presentation: Consideration of and possible action concerning Cox Communications' annual performance evaluation
- C. Presentation: Certificates of Achievement to the Youth City Council Members
- D. Presentation: Youth City Council Annual Report

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

9. General Council Business

- A. Consideration, possible approval of, and authorization to execute a Legal Services Agreement with Kiser Law Firm, PLLC, for services related to the possible sale and issuance of the City's Sales Tax Revenue Note Series 2008 in the principal amount of \$2,500,000
- B. Consideration and possible approval of Resolution No. 524 - a resolution authorizing the issuance of the City's Sales Tax Revenue Note, Series 2008, in the principal amount of \$2,500,000 for the purpose of financing capital improvements to the City; waiving competitive bidding and authorizing said note to be sold on a negotiated basis; approving and authorizing execution of a note indenture providing for the issuance and securing the payment of said note; authorizing and directing the execution of the note and related documents; and containing other provisions relating thereto
- C. Consideration, possible approval of and authorization to execute a contract between the City Of Broken Arrow and Two T's Broken Arrow, LLC, for Excess Capacity Sanitary Sewer Improvement to a 68-acre site located at the northeast corner of Kenosha Street (71st Street) and 37th Street (209th Street)
- D. Consideration of and authorization for the Mayor to execute an official ballot of the Oklahoma Municipal Assurance Group, to fill three Trustee positions, for 3-year terms
- E. Consideration and possible acceptance of the arbitration decision involving the Communication Workers of America and the City of Broken Arrow, a request for funding of arbitration decision, approval of any other matter requiring the approval of the City Council and authorization for the Mayor to sign the contract.

10. City Manager's Report

- A. None

11. Preview Ordinances

- A. None

12. Ordinances

- A. Ordinance No. 2967 - an ordinance amending Article I, In General, Chapter 23, Section 23-26, Reserved, of the Broken Arrow Code to be amended to Grounds for Towing of Vehicle from Roadway; repealing all ordinances to the contrary; and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

- 14. Executive Session** for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning the purchase and appraisal of real property located at Kenosha Street and Dennis under 25 O.S. § 307(B)(3); negotiations with employees and representatives of employee groups, specifically the Fraternal Order of Police, and the IAFF under 25 O.S. § 307(B)(2); and pending litigation concerning United States of America v. Union Pacific Railroad Company (Double Eagle Refinery Superfund Site, Oklahoma City, OK), United States District Court for the Western District of Oklahoma, Case No. 5:06-CV-0887-C, City of Broken Arrow v. Travis Freeman, et al., Tulsa County District Court Case Number CJ-2008-112, George F. Linihan, Jr. v. City of Broken Arrow, Wagoner County District Court Case Number CJ-2007-1336, City of Broken Arrow v. Frances Marie Couch Trustee of the Frances Marie Couch Revocable Trust dated April 11, 2000, et al., Tulsa County District Court Case Number CJ-2007-4825, City of Broken Arrow, Oklahoma v. Stephen Stiger Couch, et al., Tulsa County District Court Case Number CJ-2008-0038, and City of Broken Arrow, Oklahoma v. Margaret Couch, et al., Tulsa County District Court Case Number CJ-2007-4822 all under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2008, at _____ a.m./p.m.

City Clerk